

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:13-cv-00449-GCM

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TOM BORTHWICK, derivatively on  
behalf of SWISHER HYGIENE, INC., :

Plaintiff, :

vs. :

STEVEN R. BERRARD, MICHAEL J. :  
KIPP, DAVID O. BRALEY, JOHN :  
ELLIS BUSH, HARRIS W. HUDSON, :  
H. WAYNE HUIZENGA, WILLIAM D. :  
PRUITT, DAVID PRUSSKY, :  
RICHARD L. HANDLEY and :  
MICHAEL SERRUYA, :

Defendants, :

and :

SWISHER HYGIENE, INC., :

Nominal Defendant. :

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FILED  
CHARLOTTE, NC  
SEP 26 2013  
US District Court  
Western District of NC

ORDER ON  
SWISHER HYGIENE, INC.'S MOTION TO CONSOLIDATE AND STAY

Before the Court is Swisher Hygiene, Inc.'s MOTION TO CONSOLIDATE AND STAY.

The Court, having reviewed the motion, the corresponding briefs, and having considered the arguments of counsel for all parties, concludes that the motion should be **GRANTED**.

**IT IS THEREFORE ORDERED** that the Borthwick Action is consolidated with the actions pending in In re Swisher Hygiene, Inc. Securities and Derivative Litigation, MDL Docket No. 3:12-md-2384-GCM (the "Swisher MDL"), and that the Borthwick Action is stayed until final adjudication of the class claims in the Swisher MDL.

This 25<sup>th</sup> day of Sept, 2013.

*Graham C. Muller*  
SB US Dist Judge